

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:02-cr-00045-MR-1**

UNITED STATES OF AMERICA

vs.

MANUEL CARRIZOZA.

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ORDER

THIS MATTER is before the Court on the Defendant's Freedom of Information Act Request [Doc. 351].

In his motion, the Defendants requests that the Court provide at the Government's expense a copy of his Presentence Report and a copy of the Indictment in this case.

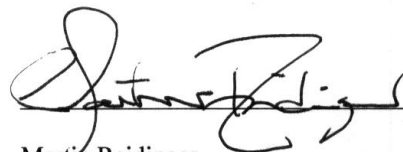
The Defendant currently has no motions pending before the Court and has failed to demonstrate a particularized need for his presentence report. See United States v. Velasquez, No. 5:10-CR-00042, 2012 WL 3307264, at 1 (W.D.N.C. Aug. 13, 2012) (Voorhees, J.) (holding that a copy of presentence report may be obtained from the district court only upon a showing of particularized need) (citing United States v. Williams, No. 88-7340, 1989 WL 152422, at *2 (4th Cir. Dec. 11, 1989)).

The Defendant was sentenced in July 2003, and his conviction and sentence were affirmed by the Fourth Circuit Court of Appeals in March 2004. Further, there are currently no post-conviction proceedings pending before the Court. Having failed to demonstrate a particularized need for the presentence report, the Defendant's motion must be denied. The Court will, however, direct the Clerk's Office to send the Defendant a copy of his Indictment along with this Order.

IT IS, THEREFORE, ORDERED that the Defendant's Freedom of Information Act Request [Doc. 351] is hereby **GRANTED IN PART** and **DENIED IN PART**. The Clerk is respectfully directed to send a copy of the Superseding Bill of Indictment [Doc. 27] to the Defendant along with a copy of this Order.

IT IS SO ORDERED.

Signed: May 19, 2014


Martin Reidinger
United States District Judge

